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7 **UNITED STATES DISTRICT COURT**
8 **WESTERN DISTRICT OF WASHINGTON**
9 **AT TACOMA**

10 ROBYN A. VANLOHUIZEN, a single
11 woman,

12 Plaintiff,

13 v.

14 STATE OF WASHINGTON, et al.,

15 Defendants.

NO. C09-5469 RBL

STIPULATED PROTECTIVE ORDER

NOTE ON MOTION CALENDAR:
DECEMBER 24, 2009

16 **I. STIPULATION**

17 Pursuant to Fed. R. Civ. P. 26(c) and the release executed by Ashley McGrath, attached
18 hereto as **Exhibit A**, the parties, by and through their attorneys of record, hereby stipulate to the
19 terms of the subjoined Protective Order and entry of the same.

20 DATED this 24th day of December, 2009.

21 ROBERT M. MCKENNA
22 Attorney General

LAW, LYMAN, DANIEL, KAMERRER &
BOGDANOVICH, P.S.

23 /s/ Ian M. Bauer

24 IAN BAUER, WSBA No. 35563

25 Assistant Attorney General

26 Attorneys for Defendants State of Washington,

Department of Social and Health Services, Jodi

and "John Doe" Lamoreaux, and Erin and

"John Doe" Schumacher

/s/ John E. Justice

John E. Justice, WSBA No. 23042

Attorneys for the City of Hoquiam and "John
Doe" Hoquiam Police Officer

1 PREBLE LAW FIRM, P.S.

2
3 /s/ Gary A. Preble

4 GARY A. PREBLE, WSBA No. 14758

5 Attorneys for Plaintiff Robyn A.

6 VanLohuizen

7 II. PROTECTIVE ORDER

8 Pursuant to Fed. R. Civ. P. 26(c), the Court makes the following findings and Order:

- 9 1. RCW 13.50.010, 26.44.030(9), and 74.04.060 establish that the Department of
10 Social and Health Services' records and files and information therein are
confidential and privileged. Said files may also contain documents that are
confidential or privileged under 45 CFR parts 160 and 164, as well as RCW 10.97.
- 11 2. Documents contained in the Department of Social and Health Services' records and
12 files pertaining to Plaintiff's daughter, Ashley McGrath, may be relevant to the
claims and defenses in the above-captioned action. State Defendants have identified
13 said documents in their Fed. R. Civ. P. 26(a) Initial Disclosures.
- 14 3. On 12/10/09, Ms. McGrath executed a release authorizing disclosure of her
Department of Social and Health Services records to the parties herein for the
15 purposes of this lawsuit, a copy of which is attached hereto as **Exhibit A**.
- 16 4. RCW 42.56 establishes that personnel files maintained by the Department of Social
and Health Services regarding Defendant Erin Schumacher and Defendant Jodi
17 Lamoreaux are confidential and privileged. *See, e.g., Dawson v. Daly*, 120 Wn.2d
782, 794-800, 845 P.2d 995 (1993).
- 18 5. Documents contained in Ms. Schumacher and Ms. Lamoreaux's personnel files
19 may be relevant to the claims and defenses in the above-captioned action. State
Defendants have identified said documents in their Fed. R. Civ. P. 26(a) Initial
20 Disclosures.

21 IT IS HEREBY ORDERED that, pursuant to the release executed by Ashley McGrath and
22 the consent of Defendants Schumacher and Lamoreaux (as evinced by the execution of the
23 Stipulation set forth above), the State Defendants are authorized to release the above-referenced
24 records to counsel for Plaintiff and co-Defendants.

1 IT IS FURTHER ORDERED that all records, information and evidence exchanged
2 between the parties in this lawsuit are subject to this Protective Order and will not be
3 disseminated to anyone outside this litigation. These documents shall not be disclosed in any
4 manner or form to any person and/or entities other than the parties, parties' attorneys, insurers,
5 experts retained by the parties' attorneys, their staff, deponents and witnesses in this action, and
6 individuals otherwise entitled to obtain said information pursuant to statutory exemptions from
7 confidentiality. However, nothing herein shall be construed as limiting Plaintiff's right to
8 disseminate or retain her own records as she deems appropriate.
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10 IT IS FURTHER ORDERED that counsel for the parties shall use all documents produced
11 or disclosed pursuant to this Protective Order solely for the purpose of preparation for and trial in
12 this action. Under no circumstances shall information or materials covered by this Protective
13 Order be disclosed to the media or anyone other than as provided herein, unless permission for
14 any such disclosure is separately obtained.
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16 IT IS FURTHER ORDERED that a copy of this Protective Order shall accompany any
17 copy of the documents this Protective Order released to anyone. No person who receives the
18 documents shall disclose them or any information gained or derived from them to anyone without
19 further order of the Court unless the person to whom the documents are disclosed is otherwise
20 entitled to obtain said documents pursuant to this Protective Order or to statutory exemptions from
21 confidentiality.
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23 IT IS FURTHER ORDERED that at the conclusion of the proceedings in this action,
24 including any appeal(s), all documents subject to this Protective Order, including any copies or
25 descriptions thereof, shall be returned to counsel for the State of Washington or destroyed by the
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1 party having such documents, except that with permission of Ashley McGrath, plaintiff's attorney
2 may retain the records of Ashley McGrath, or deliver them to her.

3 IT IS FURTHER ORDERED that this Protective Order shall remain in full force and
4 effect until such time as this Court modifies its terms or releases the parties from its provisions.
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6 DONE IN OPEN COURT this 28th day of December, 2009.

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9 RONALD B. LEIGHTON
10 UNITED STATES DISTRICT JUDGE

11 Presented by:

12 ROBERT M. MCKENNA
13 Attorney General

14 /s/ Ian M. Bauer

15 IAN BAUER, WSBA No. 35563
16 Assistant Attorney General
17 Attorneys for Defendants State of Washington,
18 Department of Social and Health Services, Jodi
19 and "John Doe" Lamoreaux, and Erin and
20 "John Doe" Schumacher

18 Approved for Entry:

19 PREBLE LAW FIRM, P.S.

21 /s/ Gary A. Preble

22 GARY A. PREBLE, WSBA No. 14758
23 Attorneys for Plaintiff Robyn A.
24 VanLohuizen

Approved for Entry:

LAW, LYMAN, DANIEL, KAMERRER &
BOGDANOVICH, P.S.

21 /s/ John E. Justice

22 John E. Justice, WSBA No. 23042
23 Attorneys for the City of Hoquiam and "John
24 Doe" Hoquiam Police Officer